

CHAPTER 330 CHARTER SCHOOLS

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330-1. Definition. In this chapter, "committee" means the charter school review committee established under s. 320-41.

330-3. Authority. This chapter specifies the criteria, standards and processes which the common council will use to designate charter schools, pursuant to the charter school statute, s. 118.40, Wis. Stats., as amended.

330-5. Application. An entity that wishes to be designated as a charter school shall submit an application for charter school status to the city clerk. The application shall be submitted on an application form created by the committee. The application shall require each applicant to submit the following information and documents:

1. Name of the person seeking to establish the charter school.
2. Name of the person in charge of the school.
3. Description of the way in which administrative services will be provided.
4. Description of the educational program and educational goals of the school.
5. Whether the school will serve at-risk students.

6. Methods the school will use to enable students to meet educational goals.

7. Methods by which pupil progress in attaining the educational goals will be measured.

8. Governance structure, including method of ensuring parental involvement.

9. A copy of the school personnel manual.

10. Qualifications to be met by persons employed in the school, including the policies the school will follow in conducting background checks, and the hiring standards the school will apply with respect to persons who have been convicted of a felony or misdemeanor or who have had a relevant professional license revoked or suspended. This information may be included in the school personnel manual under sub. 9.

11. Procedures to ensure the health and safety of students.

12. Means by which the school will achieve a racial and ethnic balance that is reflective of the school district population.

13. Requirements for admission.

14. Manner in which annual financial and programmatic audits will be performed.

15. Procedures for disciplining students.

16. Public school alternative for students.

17. Description of school facilities and specific types and limits of liability insurance the school will carry.

18. Effect of the charter school on liability of the city of Milwaukee.

19. The number of estimated charter school students that are expected to be enrolled for the school year.

20. Any other relevant information that the committee finds necessary or useful.

330-7. Certification of Compliance. The application shall include written certification of the school's compliance with all of the following:

1. The school shall not charge tuition for pupils enrolled under the charter school program; however, the school may charge tuition for other pupils.

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2. The school shall abide by all eligibility requirements set forth in s. 118.40, Wis. Stats., as amended, and ch. 330, including, but not limited to, the pupil qualifications specified in s. 118.40(2r)(c) 1 to 5, Wis. Stats., as amended, and the pupil city residency requirement.

3. The school shall administer to pupils enrolled under the charter school program the examinations specified in s. 118.40(2r)(d)2, Wis. Stats., as amended.

4. The school shall be nonsectarian in its programs, admissions policies, employment practices and all other operations.

5. The school shall not discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

6. The school shall be located within the city.

7. The school shall certify that it is not an individual or group operating for profit or, if it is an individual or group operating for profit, it is an instrumentality of the Milwaukee public school district and all its employees are employees of the Milwaukee public school district.

8. The school shall conduct background checks on all of its teachers and employees pursuant to s. 330-5.

9. The school shall undergo inspections by the department of neighborhood services and the health department, unless the health department's function under this subsection has been delegated to the department of neighborhood services by a memorandum of understanding. The school shall meet any compliance schedules established pursuant to such inspections.

330-9. Application Review. 1. The city clerk shall transmit each new or resubmitted application and all attached materials to the technical reviewer selected pursuant to s. 320-41.

2. Upon receipt of an application, the technical reviewer shall furnish a copy of the application and all attached materials to the city attorney.

3. The technical reviewer shall use the rules and guidelines established by the committee under s. 320-41-6-c-2, to determine whether an application complies with the technical requirements of s. 118.40, Wis.

Stats., as amended, and ch. 330. An application that does not comply with these rules and guidelines is technically deficient. The technical reviewer shall prepare a written report of his or her findings and recommendations.

4. Whenever the technical reviewer finds that an application complies with the technical requirements of s. 118.40, Wis. Stats., as amended, and ch. 330, the technical reviewer shall approve the application and transmit the application, all accompanying materials and the technical reviewer's report to the committee for action pursuant to s. 330-13.

330-11. Application Technical Deficiencies.

1. Whenever the technical reviewer finds that an application is technically deficient, the technical reviewer shall return the application and notify the applicant in writing of the specific deficiencies. The notice shall state that the applicant has one opportunity to correct the deficiencies and shall state the date by which the deficiencies shall be corrected and the revised application resubmitted to the city clerk.

2. The time period allowed for resubmittal shall be established by the committee under s. 320-41-6-b-1.

3. The technical reviewer shall deny any resubmitted application that:

a. Has not been resubmitted by the date specified in the notice of deficiency; or

b. Has been timely resubmitted but the resubmitted application is still technically deficient.

4. The technical reviewer shall notify in writing each applicant whose application has been denied under sub. 3. The notice of denial shall state the reason for the denial and that the applicant may appeal the denial as provided in s. 330-19.

330-13. Public Hearing. The committee shall consider at a public hearing each application that is approved by the technical reviewer under s. 330-9-4. At the hearing, the committee shall invite the applicant and any other interested or concerned parties to comment on the application. The committee may invite and consider information from such other sources as the committee deems necessary or helpful to make a decision.

330-15. Committee Findings. Based on the information in the application, the findings and recommendations of the technical reviewer, comments received at the public hearing, and any additional information received, the committee shall make a written finding as to whether:

1. The application complies with the requirements of ss. 330-5 and 330-7.

2. The school or proposed school will operate an education program that has a reasonable prospect of providing Milwaukee children a good education.

3. The school or proposed school possesses all of the following:

a. An appropriate governance structure, including a well-defined legal structure, clear definitions of responsibility for all major organizational functions and clear lines of accountability between the people who own the school and the people who operate it.

b. A sound system of management, including a clear and well-conceived strategic plan, clear definitions of responsibility for all management functions, a clear and coherent budget process, compliance with generally accepted practices with respect to money management and investment, and compliance with generally accepted practices with respect to internal accounting and external auditing.

c. A budget for the upcoming school year, and agrees to present budgets for future school years, that comply with generally accepted budgeting practices, including clear delineation of types of expenses and sources of revenue, use of realistic methods of expense and revenue estimation, and acceptable methods for dealing with deficits and contingencies.

d. A qualified body of administrators, teachers and staff, or has an acceptable method of recruiting such persons, and, in addition, has an acceptable method of maintaining a qualified body of administrators, teachers and staff.

330-17. Committee Recommendations.

1. Whenever the committee's written finding under s. 330-15 is positive for all factors, the committee shall make a written recommendation that the application be granted and shall:

a. Transmit the application, all related reports, findings, recommendations and information to the city clerk and request preparation and introduction of a common council motion as provided in s. 330-23.

b. Transmit the application and all related reports, findings, recommendations and information to the city attorney for contract preparation as provided in s. 330-21.

c. Notify the applicant in writing of the committee's findings and recommendation.

2. Whenever the committee's written finding under s. 330-15 is not positive for all factors, the committee shall deny the application and shall notify the applicant and the city clerk in writing that the application has been denied and the reasons for the denial.

330-19. Appeals. 1. An applicant whose application has been denied under s. 330-11-3 may, no later than 10 days after receipt of the notice of denial, file with the city clerk a written request for an appeal hearing before the committee. The city clerk shall promptly transmit any such request to the committee. The committee shall hear the applicant's appeal within 30 days after receipt of the request for a hearing.

2. The committee shall base its appeal decision only on whether the committee finds that an application that was returned to the applicant for correction of technical deficiencies remained technically deficient when it was resubmitted or was not timely resubmitted.

3. At the conclusion of the hearing, the committee shall make a written finding as to whether the application is technically deficient or resubmitted on a timely basis, or both, and shall direct the technical reviewer to take whatever action is appropriate to effect the finding. The committee shall notify the applicant in writing of the committee's finding.

330-21. City Attorney Action. 1. Whenever the city attorney receives an application transmitted under s. 330-9-2, the city attorney may review the application in anticipation of possible contract preparation under sub. 2.

2. Whenever the city attorney receives an application that the committee recommends for approval by the common council, the city attorney shall negotiate a proposed charter school contract between the applicant and the city in accordance with s. 118.40, Wis Stats., as amended, ch. 330 and any other pertinent policies adopted by the committee or the common council.

3. All charter school contracts shall comply with the following requirements:

a. The contract shall be in the name of the city of Milwaukee.

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b. The contract shall provide that the contract may be terminated and the charter revoked if the common council finds that the school no longer meets the requirements of s. 330-15.

c. The contract shall be for a 5-year term unless a school requests a shorter term or the committee recommends a shorter term.

d. The contract shall contain appropriate indemnification and insurance provisions to protect the interests of the city and its employees, officers and agents.

4. When a proposed contract has been agreed to by the city attorney and the applicant, the city attorney shall submit the proposed contract to the city clerk for attachment to the common council file under s. 330-23.

330-23. City Clerk and Common Council Action. 1. Whenever the city clerk receives a request from the committee for preparation of a motion approving an application for charter school status, the city clerk shall have a motion prepared and introduced. The motion shall:

a. Express the common council's approval of the committee's recommendation to grant charter school status to the applicant.

b. Express the common council's approval of the proposed contract submitted by the city attorney and attached to the common council file.

c. Authorize and direct the appropriate city officials to execute the proposed contract.

2. The common council may, in its sole discretion, approve, amend in whole or in part or disapprove a motion described in sub. 1, subject to the provisions of s. 330-24.

330-24. Maximum number of charter school students. 1. The number of total estimated charter school students for schools granted charter school status shall not exceed the maximum level set in sub. 2.

2. a. The maximum number of total estimated charter school students for the 1998-99 school year is 1,250 students.

b. With respect to the 1999-2000 school year and each school year thereafter, the charter school review committee, if requested by the common council by motion, shall submit a recommendation to the common council as to whether a maximum number of charter school students should be imposed and, if so, what the limit should be.

330-25. Applicant May Reapply. An applicant whose application has been denied may reapply in the next application period.

330-27. Continuing Oversight of Charter Schools; Oversight Fee. 1. The committee shall have responsibility for ongoing review of the financial, educational, staffing and facility status of charter schools pursuant to s. 320-41.

2. Beginning in the 2000-01 school year, each charter school shall pay an oversight fee for each charter student in the school, as provided in this section. The number of charter students in a school shall be the number of students for which the Wisconsin department of public instruction pays the school under s. 118.40(2r)(e), Wis. Stats.

3. The oversight fee for each full-time equivalent charter student shall be established annually by the charter school review committee. This fee shall be an amount sufficient to pay all costs incurred annually by the city for its oversight of the charter school program as calculated by the department of administration apportioned equally to each charter school student in the charter school program. These costs shall include, but are not limited to, the hiring of consultants and the use of city staff, equipment and other materials. This fee shall be paid in the following installments:

a. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the September payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

b. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the December payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

c. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the February payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

d. A payment of 25% of the per student fee shall be made no later than the 21st calendar day after the school operator receives the June payment from the Wisconsin department of public instruction under s. 118.40(2r)(e), Wis. Stats.

4. A pro-rated oversight fee shall be paid for each charter student who is less than full-time equivalent.

a. The amount of the pro-rated oversight fee shall be the per-student oversight fee as calculated pursuant to sub. 3-a multiplied by the ratio of the amount paid by the Wisconsin department of public instruction for that student to the amount the Wisconsin department of public instruction pays for a full-time equivalent charter school student.

b. The oversight fee for a student who is less than full-time equivalent shall be paid by the school operator in 4 equal installments at the times specified in sub. 3-a to d.

5. A charter school shall pay its oversight fee to the city treasurer to be held in trust for the exclusive benefit of the charter school program. Expenditures from such trust fund shall be authorized by the charter school review committee.

330-29. Termination of Contract and Revocation of Charter.

1. In the manner provided in this section, the common council may terminate the charter school contract and revoke the charter of a school whenever the common council finds that any of the following occurred:

a. The charter school violated its contract with the city.

b. The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01, Wis. Stats. as amended.

c. The charter school failed to comply with generally accepted accounting standards of fiscal management.

d. The charter school violated s. 118.40, Wis. Stats., as amended, or this chapter.

2. Whenever the common council by motion requests the committee to investigate a school concerning possible termination of a contract and revocation of a charter, the committee shall make an investigation, hold a hearing and make written findings and recommendations to the common council concerning termination of a contract and revocation of a charter.

3. The committee may investigate a school concerning possible termination of a contract and revocation of a charter on its own initiative or whenever an individual or group other than the common council so requests. If

the investigation discloses possible cause for termination of the contract and revocation of the charter of a school, the committee shall hold a hearing and make written findings and recommendations concerning termination of the contract and revocation of the charter.

4. Whenever the committee recommends termination of a contract and revocation of a charter, the committee shall:

a. Submit its findings and recommendations, together with all materials considered by the committee, to the city clerk and request the preparation and introduction of a common council motion to terminate the contract and revoke the charter.

b. Transmit its findings and recommendations, together with all materials considered by the committee, to the city attorney.

5. Whenever the city clerk receives a request under sub. 4 for preparation of a motion terminating a charter school contract and revoking a school's charter, the city clerk shall have a motion prepared and introduced. The motion shall:

a. State the findings of the common council that the contract should be terminated and the charter revoked and the reasons for such findings.

b. State that the common council terminates the contract and revokes the charter.

c. Authorize and direct the appropriate city officials to effect the contract termination and charter revocation.

6. The common council may, in its sole discretion, approve, amend in whole or in part or disapprove a motion described in sub. 5.

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**LEGISLATIVE HISTORY
CHAPTER 330**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

m = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 330	cr	971759	5/5/98	5/14/98
330-7-9	rc	980963	12/18/98	1/1/99
330-27	rc	000172	7/25/2000	8/11/2000
330-27-3	rc	020779	11/6/2002	11/23/2002
330-27-4-a	rc	020779	11/6/2002	11/23/2002

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